

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COUNTY OF BUTLER, et al.,	:	Civil Action No. 2:20-cv-677
Plaintiffs	:	
	:	
vs.	:	Hon. William S. Stickman IV
	:	
THOMAS W. WOLF, et al.,	:	
Defendants	:	

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA	:	
	:	ss.
COUNTY OF BUTLER	:	

My name is Marci Mustello. I reside in Butler Township, Butler County, Pennsylvania. I am currently serving my first term as in the Pennsylvania House of Representatives representing the 11th district. I was elected in a special election in 2019 and represent Butler City, Butler Township, Chicora Borough, Clearfield Township, Connoquenessing Borough, Connoquenessing Township, Donegal Township, East Butler, Fairview Borough, Fairview Township, Jefferson Township, Karns City Borough, Oakland Township, Petrolia Borough, Prospect Borough, Saxonburg Borough and Summit Township. Having said that, I want to be clear that I joined this lawsuit as candidate Marci Mustello, not as State Representative Marci Mustello. At no point did I test positive for COVID-19.

I am currently seeking re-election. On June 2, 2020 I won a primary election and will be on the ballot again on November 3, 2020. Typical campaign activities include fundraisers, dinners, meet and greets, attending public events, and distributing political flyers and pamphlets door-to-door. In early 2020, Governor Wolf's and Secretary Levine's shutdown orders mandated that all non-essential private businesses immediately cease operations, as well as requiring healthy people to remain in their homes. In addition to the obvious economic, social, and mental health impact of his arbitrary decisions, these shutdown orders severely impacted my ability to effectively reach voters. Their orders violated my right to travel, as well as my rights of free speech and association.

The most significant and most egregious impact that these shutdown orders had on my campaign stemmed from the orders' regulation of intrastate travel throughout the Commonwealth of Pennsylvania. I was prevented from being able to travel inside my own jurisdiction to meet with the public, leaving little to no face-to-face interaction with the voters. This restriction significantly diminished my campaign efforts as many volunteers were unable to legally leave their homes. In the past, my successful campaigns had a large emphasis on traveling door-to-door to meet with constituents. I firmly believe that it is critical for political candidates to be able to personally interact with their voter base. It allows for a more effective communication of political ideals and allows individuals to voice their policy concerns to the candidates before the election.

The ability to publicly campaign is especially critical in rural areas such as those contained in the 11th District. Many of the residents of this district live in rural areas without broadband service which makes online communication difficult. My district

includes areas such as Karns City, Petrolia, and Fairview, all of which have inadequate internet infrastructure. Yet this necessary interaction was severely impacted by the shutdown orders set forth by Governor Wolf and Secretary Levin.

As for how our operations were specifically impacted by the shutdown orders, as businesses were forced to close we had to cancel multiple fundraisers and dinners. In the past these events have financed a significant portion of my campaign. We also had to cancel several political rallies where I would have personally interacted with the voters and recruited additional campaign volunteers.

The shutdown orders promulgated by Governor Wolf and Secretary Levine violated my constitutional rights of travel, assembly, and free speech. I assert that my constitutional rights should be the same whether in a pandemic or not. There is no constitutional exception for a virus.

VERIFICATION

I, Marci Mustello, verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. I declare, certify, verify, or state under penalty of perjury that the foregoing is true and correct, under 28 U.S.C. § 1746, relating to unsworn declarations under penalty of perjury.

DATE: July 7, 2020



The Honorable Marci Mustello